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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,329	04/21/1999	YASUMASA KAWABE	Q54114	7050
	7590 10/09/2002			
MARK BOLAND SUGHRUE MION ZINN MACPEAK & SEAS 2100 PENNSYLVANIA AVENUE N W			EXAMINER	
			CLARKE, YVETTE M	
WASHINGTON, DC 200373202			ART UNIT	PAPER NUMBER
			1752	120
			DATE MAILED: 10/09/2002	$\mathcal{O}_{\mathcal{O}}$

Please find below and/or attached an Office communication concerning this application or proceeding.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper repty to a nial rejection under 37 CFR 1.113 may only be either: (1) a timely field amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued xamination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY (check either a) or b)  The period for reply expires 3 months from the malling date of the faria riepction.  The period for reply expires 2 months from the malling date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTH's from the malling date of the Advisory Action, or (2) the date set forth in the final rejection. ONLY CHECK THIS BOX WHEN THE ITERST REPLY WAS PILED WITHIN TWO MONTHS OF THE FINAL REDICTION. See MPEP 705.07(1).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension the have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension the have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension the base filed of the proposed date from the filed filed of the final rejection, even if mally filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  A Notice of Appeal was filed on 10 July 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  The proposed amendment(s) will not be entered because:  (a) they raise the issue of new matter (see Note below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for a		Application No.	Applicant(s)				
Examiner   Vivette M. Clarke   1752		09/295,329	KAWABE ET AL.				
### The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  ### REPLY FILED 10 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a nail rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in ondition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued examination (RCE) in compliance with 37 CFR 1.114.  **PERIOD FOR REPLY** (check either a) or b)**    **PERIOD FOR REPLY** (check either a) or b)**   **The period for reply expires 0* (1) the mailing date of the final rejection. The period for reply expires 0* (1) the mailing date of the final rejection, whichever is later. In no event, however, with the statutory period for reply expire is the mail SIM MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP  **Extension of the many by the obtained under 37 CFR 1.136(). The date on which the petition under 37 CFR 1.136() and the appropriate extension. The have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection. See NPEP  **Extension of the many be obtained under 37 CFR 1.136(). The date on which the petition under 37 CFR 1.136() and the appropriate extension and the corresponding amount of the final rejection, even if mere the filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection, even if mere the filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.    **A Notice of Appeal was filed on 10.1 July 2002.** Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extensi	, , , , , , , , , , , , , , , , , , , ,	Examiner	Art Unit				
HE REPLY FILED 10 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. herefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a nair rejection under 37 CFR 1.13 may only be either. (1) a timely filed amendment which places the application in ordering the places of the application in an arrivation for allowance. (2) at timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Co		Yvette M. Clarke	1752				
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a nal rejection under 37 CFR 1.137 amy only be either: (1) a timely filed amendment which places the application in ondition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.134.  PERIOD FOR REPLY (check either a) or b)  The period for reply expires 3_months from the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires 3_months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Net X Ord-ICX CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension as the order of the final rejection of the final rejection of the law been filed is the date for purposes of determining the period of centerision and the corresponding amount of the fee. The appropriate extension are under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2) as set forth in (2) above, if Checked. Any reply recaded by the Office later than three months after the mailing date of the final rejection, even if mely filed, may reduce any earned patent term ediplication and the months after the mailing date of the final rejection, even if mely filed, may reduce any earned as the final filed than the control of the final rejection, even if the proposed amendment(s) will not be entered because:  [a) The proposed amendment(s) will not be entered beca	The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
a) The period for reply expires 3_months from the mailing date of the final rejection. b) The period for reply expires 3_months from the mailing date of this Advisory Actor., or (2) the date set forth in the final rejection, whichever is later. In no event, lines were, with the statutory period for reply expires and for reply expire and the mailing date of the final rejection.  The period for reply expires or, in the period for reply expire and for reply expire and the mailing date of the final rejection.  The period for reply expires 3_months from the mailing date of the final rejection, whichever is later. In no event, lines and the period of reply expires and the period of reply expires and the period of the period of extension and the period of extension and the corresponding amount of the final rejection, even if melos the date for purposes of determining the period of extension and the corresponding amount of the final rejection, even if melos the final rejection, even if melos the final rejection, even if melos filed, may require further than three months after the mailing date of the final rejection, even if melos filed, may require and the period of extension and for search (see NOTE below);  (b) The proposed amendment(s) will not be entered because:  (a) The proposed amendment (s) will not be entered because:  (a) The proposed amendment (s) will not be entered because:  (b) They raise new issues that would require further consideration and/or search (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  (a) Popularity reply has overcome the following rejection(s):  (b) The and affidavit, by Popularity reply and popularity reply repl	THE REPLY FILED 10 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
<ul> <li>The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, winchever is tater. In no event, however, will the statutory period for reply expire later than SIN MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</li> <li>Hearth Sins of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension have been filed is the date for purposes. If the proposed of the shortened statutory period for reply originally set in the final Office action; or one will be a set of the original period of the shortened statutory period for reply originally set in the final Office action; or mely filed, may reduce any earned patent term adjustment. See 37 CFR 1.794(b).</li> <li>A Notice of Appeal was filed on 10 July 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</li> <li>The proposed amendment(s) will not be entered because:         <ul> <li>(a) they raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) they raise the issue of new matter (see Note below);</li> <li>(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) they present additional claims without cancelling a corresponding number of finally rejected claims.</li> <li>Note:</li></ul></li></ul>							
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. ☐ The proposed amendment(s) will not be entered because:  (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ they raise the issue of new matter (see Note below);  (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  3. ☐ Applicant's reply has overcome the following rejection(s):  4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s)	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
(a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:  8 Applicant's reply has overcome the following rejection(s):  4 Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  5 The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  6 The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7 For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 16-22.  Claim(s) objected to: 23-26.  Claim(s) withdrawn from consideration:  B The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9 Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).  JANET BAXTER  SUPERNISORY PATENT EXAMINED	_						
(b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	``````						
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  Applicant's reply has overcome the following rejection(s):  Wewly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  To purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 16-22.  Claim(s) objected to: 23-26.  Claim(s) withdrawn from consideration:  Claim(s) withdrawn from consideration:  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).  JANET BAXTER  SUPERVISORY PATENT EXAMINED	<u> </u>						
issues for appeal; and/or  (d)							
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A. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See							
canceling the non-allowable claim(s).  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 16-22.  Claim(s) objected to: 23-26.  Claim(s) rejected: 1-15.  Claim(s) withdrawn from consideration:  The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).  JANET BAXTER  SUPERVISORY PATENT EXAMINED	3. Applicant's reply has overcome the following rejection(s):						
application in condition for allowance because: See Continuation Sheet.  5. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 16-22.  Claim(s) objected to: 23-26.  Claim(s) rejected: 1-15.  Claim(s) withdrawn from consideration:  3. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).  JANET BAXTER  SUPERVISORY PATENT EXAMINER							
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explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: 16-22.  Claim(s) objected to: 23-26.  Claim(s) rejected: 1-15.  Claim(s) withdrawn from consideration:  3.							
Claim(s) allowed: 16-22.  Claim(s) objected to: 23-26.  Claim(s) rejected: 1-15.  Claim(s) withdrawn from consideration:  3.  The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).  Other:  JANET BAXTER  SUPERVISORY PATENT EXAMINER	For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.						
Claim(s) objected to: 23-26.  Claim(s) rejected: 1-15.  Claim(s) withdrawn from consideration:  3.	The status of the claim(s) is (or will be) as follows:						
Claim(s) rejected: 1-15.  Claim(s) withdrawn from consideration:  B. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  D. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).  O. Other:  JANET BAXTER  SUPERVISORY PATENT EXAMINER	Claim(s) allowed: <u>16-22</u> .						
Claim(s) withdrawn from consideration:  3. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.  9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).  Other:  JANET BAXTER  SUPERVISORY PATENT EXAMINER	Claim(s) objected to: 23-26.						
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O.☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).  Under:  JANET BAXTER SUPERVISORY PATENT EXAMINER							
0. ☐ Other: JANET BAXTER SUPERVISORY PAJENT EXAMINER	☐ The proposed drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner.						
JANET BAXTER SUPERVISORY PATENT EXAMINER	☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s).						
	0. Other:	SUP TI	ERVISORY PATENT EXAMINER				

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Continuation of 5. Does NOT place the application in condition for allowance because: Upon further consideration of the comparative data, the examiner has found the data to not be commensurate in scope with the instant claims. The said data compares the use of a fluorine containing surfactant with a non-fluorine containing surfactant. The data however fails to show the use of a silicon containing surfactant. The instant claims pertain to the use of a fluorine and/or a silicon containing surfactant. MPEP 716.02(d) states that, "In other words, the showing of unexpected results must be reviewed to see if the results occur over the entire claimed range. In re Clemens, 622 F.2d 1029, 1036, 206 USPQ 289, 296 (CCPA 1980). The rejection is maintained.

The examiner can be reached Monday-Thursday from 8:00 am to 6:30 pm via telephone at 703-305-0589.

